

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHEN ZARATE,

Plaintiff(s),

V.

IVANA ARAMARK, et al.,

Defendant(s).

Case No. 2:22-cv-01449-APG-NJK

ORDER TO SHOW CAUSE

[Docket No. 37]

On January 14, 2023, United States District Judge Andrew P. Gordon issued an order amending the second amended complaint, concluding that certain claims could proceed against defendants Ivana Aramark, Trinity Troy, and Joe Lombardo. Docket No. 10; *see also* Docket No. 28 (substituting Joe Lombardo in place of Warden Doe). Despite attempted service and several extensions, a proof of service demonstrating completed service on Defendants Aramark and Troy has not been filed to date. The already-extended deadline to effectuate service expired on May 1, 2023. Docket No. 28 at 2.

On May 30, 2024, Plaintiff filed a motion for service on Defendants Aramark and Troy at new addresses. Docket No. 37. As the Rule 4(m) service deadline has already expired, the motion is untimely and justification has not been provided to revive and extend that deadline further. Moreover, the motion provides no indication as to why Plaintiff believes Defendants Aramark and Troy are actually at the locations identified in the motion. Accordingly, the motion for service on Defendants Aramark and Troy is **DENIED** without prejudice. In addition, given that the service deadline has expired and given the history of the case, Plaintiff is **ORDERED** to show cause in writing, no later than July 10, 2024, why Defendants Aramark and Troy should not be dismissed for failure to effectuate service by the identified deadline. *See Fed. R. Civ. P. 4(m).*

Failing to respond to this order to show cause will result in a recommendation that the claims against Defendants Aramark and Troy be dismissed without prejudice.

IT IS SO ORDERED.

Dated: June 12, 2024

Nancy J. Koppe
United States Magistrate Judge